

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Theresa Denise Woodberry,) C/A: 4:24-7249-JD-TER
Plaintiff,)
vs.)
Ruiz Food,) ORDER
Defendant.)
_____)

This is a civil action filed by a *pro se* litigant. Under Local Civil Rule 73.02(B)(2) of the United States District Court for the District Court of South Carolina, pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

On April 21, 2025, Plaintiff filed an Amended Complaint, which appears to surpass summary dismissal. (ECF No. 55). The Amended Complaint renders the entry of default as to Ruiz Food moot and of no effect. “Several courts have found that an amended complaint moots a clerk’s prior entry of default.” *Rice v. M-E-C Co.*, No. 2:17-cv-1274-BHH, 2022 WL 20138734, at *2 (D.S.C. Mar. 29, 2022). Thus, Defendant’s Motion to set aside default(ECF No. 49) is also moot. Counselor Defendant received the notice electronically that the Amended Complaint was filed. As a matter of judicial economy, Counsel is directed to inform the court within 14 days of the date of this order whether Defendant waives or accepts service by the court of the Amended Complaint electronically. (Because Plaintiff is proceeding *in forma pauperis*, the court, customarily through the USMS, is responsible for facilitating service of process). Upon notification from Defendant, the time for answering the Amended Complaint will commence.

IT IS SO ORDERED.

April 23, 2025
Florence, South Carolina

s/ Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge